

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

IN RE:
RC2 CORP. TOY LEAD PAINT
PRODUCTS LIABILITY LITIGATION

MDL NO. 1893 ALL CASES

Case No. 07 C 7184

DEFENDANTS' MOTION TO STAY PROCEEDINGS

Defendants RC2 Corporation and Learning Curve Brands, Inc. (together "RC2"), respectfully move this Court to enter an Order staying all pretrial activity in the MDL captioned *In Re RC2 Corp. Toy Lead Paint Products Liability Litigation*, MDL Docket No. 1893. A parallel class action is pending before the Circuit Court of Cook County, Illinois captioned *Barrett v. RC2 Corporation*, No. 07 CH 20924. Recently, the parties in the *Barrett* case have reached a settlement, which has been preliminarily approved by the *Barrett* Court. A true and accurate copy of the Preliminary Approval Order is attached hereto as **Exhibit A**. The *Barrett* settlement class includes all persons within the putative class for the pending federal actions contained within the MDL.

Given the settlement of the parallel *Barrett* matter, a stay of the present MDL is appropriate pursuant to the Court's inherent power to stay litigation in the interest of judicial economy. RC2's arguments in favor of the Court's abstention are set forth in the attached Memorandum in Support of Their Motion to Stay Proceedings.

Dated: January 25, 2008

Respectfully submitted,

RC2 CORPORATION AND LEARNING
CURVE BRANDS, INC.

s/ Judy S. Okenfuss

Judy S. Okenfuss

By one of their attorneys

Judy S. Okenfuss
James L. Petersen
ICE MILLER LLP
One American Square
Suite 3100
Indianapolis, IN 46282
(317) 236-2100

Bart T. Murphy #6181178
ICE MILLER LLP
2300 Cabot Drive, Suite 455
Lisle, IL 60532
(630) 955-6392

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of January 2008, a copy of the foregoing has been filed electronically using the Court's CM/ECF system which sent electronic notification of this filing to the following counsel for Plaintiffs:

Elizabeth A. Fegan beth@hbsslaw.com
Jack Reise jreise@csgrr.com
Joe R. Whatley, Jr. jwhatley@wdklaw.com
Robert James Pavich rpavich@monicopavich.com
Thomas A. Zimmerman, Jr. tom@attorneyzim.com
William N. Riley wirliet@price-law.com

Additionally, the undersigned hereby certifies that a copy of the foregoing has been deposited in the U.S. Mail, first class postage prepaid, on the 25 day of January 2008, addressed to:

Frederic S. Fox
KAPLAN KILSHEIMER & FOX LLP
805 Third Avenue
New York, NY 10022

James A. Streett
STREETT LAW FIRM, PA
107 West Main
Russellville, AK 72811

Thomas M. Ferlauto
KING & FERLAUTO LLP
1880 Century Park East, Suite 820
Los Angeles, CA 90067

John S. Steward
BURSTEIN LAW FIRM, P.C.
225 S. Meramec, Suite 925
St. Louis, MO 63105

W. Lewis Garrison, Jr.
Gayle L. Douglas
HENINGER GARRISON DAVIS, LLC
2224 First Avenue North
Birmingham, AL 35203

John Balestriere
Craig Stuart Lanza
BALESTRIERE PLLC

225 Broadway, Suite 2700
New York, NY 10007

Lance A. Harke, P.A.
Sarah Clasby Engel, P.A.
Howard M. Bushman, Esq.
HARKE & CLASBY LLP
155 South Miami Ave., Suite 600
Miami, FL 33130

Davy Carter
271 West Main Street
Suite 201
P.O. Box 628
Cabot, AR 72023

Peter S. Pearlman, Esq.
COHN LIFLAND PEARLMAN
HERRMANN & KNOPF LLP
Park 80 Plaza West-One
Saddle Brook, NJ 07663

Jeffrey Aaron Cooke
THE COOKE LAW OFFICE
PO BOX 188
331 Columbia Street
Lafayette, IN 47902

Kenneth A. Wexler
WEXLER TORISEVA WALLACE LLP
1 North LaSalle Street
Suite 200
Chicago, IL 60602

s/ Judy S. Okenfuss

Judy S. Okenfuss
ICE MILLER LLP
One American Square
Suite 3100
Indianapolis, IN 46282
(317) 236-2115